## REMARKS/ARGUMENTS

In light of the above-amendments and remarks to follow, reconsideration and allowance of this application are requested.

Claims 1-11, 13 and 22-32 have been canceled and rewritten as new claims 33-55. Accordingly, claims 33-55 are presented for consideration.

Claims 1-13 and 22-32 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent No. 6,119,101 (Peckover). Claims 1-11, 13 and 22-32 have been canceled and rewritten as new claims 33-55, respectively. This rejection will be construed as if it applies to new claims and applicants respectfully traverse this rejection.

Peckover relates to a system for electronic commerce having personal agents that represent and assist the activities of consumers and providers within an electronic virtual marketplace. (Peckover: col. 1, lines 16-18; Abstract). Applicants respectfully submit that only the present invention teaches a method for delivering product information and obtaining consumer preferences "***without storing or maintaining information identifying or specific to the consumer to preserve the privacy of said consumer***," [emphasis added] as required in claims 33, 44, 45 and 55. This enables the present invention to collect market research data of consumer preferences while advantageously preserving the privacy of the consumer.

However, the Examiner incorrectly alleges that Peckover does not collect or maintain information identifying or specific to the consumer (Office Action: page 6, paragraph 2). Applicants respectfully submit that the Examiner cannot contradict the clear teaching of reference to reject the claims of the present invention. Applicants direct the Examiner's kind attention to the following passages in Peckover, wherein Peckover clearly describes that consumer's personal information are being collected, maintained and/or stored:

> "A Personal Agent ***stores and learns the preferences of its human owner***." [emphasis added] (Peckover: col. 14, lines 37-38).
>
> "Consumer Personal Agent 12, via its internal functions, ***maintains the user's preferences and other data about the user***, some of which is protected

from unauthorized access" [emphasis added] (Peckover: col. 18, lines 36-38).

"An Owner Manager function 52 [of the Personal Agent] ***maintains data about the human "owner" of the agent*** ... This data includes the ***user's name, postal addresses, e-mail addresses, telephone and fax numbers, etc.***" [emphasis added] (Peckover: col. 18, lines 62-66).

Moreover, unlike Peckover, there is no issue with "unauthorized access" in the present invention because information identifying or specific to a consumer is never collected, maintained and/or stored. Peckover must utilize an individual firewall 58 to protect consumer's personal data from being accessed or revealed. (See Peckover: col. 18, lines 38-39 and col. 18, line 64 to col. 19, line 2.) "An Individual Firewall function 58 mediates all access to the data that is maintained by the various internal functions, ensuring that only authenticated and authorized agents and users can access private data." (Peckover: col. 19, lines 52-55).

Additionally, contrary to the Examiner's assertion, Peckover does not teach or suggest "selecting one of said product/service criteria selected by said consumer as a ranking parameter by said consumer," as called for in claims 33, 44, 45 and 55. In Peckover, the system (i.e, a Preference Manager 54) orders the search results "so that items that are ***more likely to be preferred by the user*** will be displayed first when the results are delivered to the user." [emphasis added] (Peckover: col. 19, lines 18-21). In the present invention, there is no guessing, the items are displayed in the order ***selected and specified*** by the user.

Further, contrary to the Examiner's assertion, log function 110 does not "said selected product/service criteria and said ranking parameter" (Office Action, page 3, lines 12-14). "A Log Function 110 stores records of the activities of Decision Agent 14." (Peckover: col. 21, lines 64-65). Applicants respectfully submit that one of ordinary skill in the art would not equate the storing of consumer's actual selection to recording activities of a software agent, i.e., the Decision Agent 14.

Of course, a rejection based on 35 U.S.C. §102(e) requires that the cited reference disclose each and every element covered by the claim. *Electro Medical Systems S.A. v. Cooper Life Sciences Inc.*, 32 USPQ2d 1017, 1019 (Fed. Cir. 1994); *Lewmar Marine Inc. v. Barient Inc.*,

3 USPQ2d 1766, 1767-68 (Fed. Cir. 1987), *cert. denied*, 484 U.S. 1007 (1988); *Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir.), *cert. denied*, 484 U.S. 827 (1987). The Federal Circuit has mandated that 35 U.S.C. §102 requires no less than "complete anticipation ... [a]nticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim." *Connell v. sears, Roebuck & Co.*, 772 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983); *See also*, *Electro Medical Systems*, 32 USPQ2d at 1019; *Verdegaal Bros.*, 814 F.2d at 631.

In view of the foregoing differences and authorities, it is respectfully submitted that Peckover does not anticipate or render obvious the invention as recited in claims 33, 44, 45 and 55, and therefore, claims 33, 44, 45 and 55 are patentably distinct over this prior art. The allowance of claims 33, 44, 45 and 55 is respectfully solicited for the reasons given above.

Since claims 34-43 and 46-54 depend from claims 33 and 45, the foregoing discussion of claims 33 and 45 is equally applicable to claims 34-43 and 46-54 and the allowance of claims 34-43 and 46-54 is respectfully solicited for the reasons given above with respect to claims 33 and 45.

Furthermore, Peckover does not teach or suggest "generating a virtual representation of said consumer in accordance with information received about the physical characteristics of said consumer ... controlling said virtual display by said consumer to enable said consumer to virtually investigate and test the fit of said selected product using said virtual representation of said consumer," as required in claims 39 and 51. The Examiner incorrectly alleges that generating demographic profile is equivalent to generating a virtual representation of the consumer. Applicants respectfully submit that one of ordinary skill in the art would not equate generating demographic profile to generating a virtual representation of the consumer. Also, the Examiner fails to show how Peckover teaches or suggests "controlling said virtual display by said consumer to enable said consumer to virtually investigate and test the fit of said selected product using said virtual representation of said consumer," as required in claims 39 and 51

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the Applicant's undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically

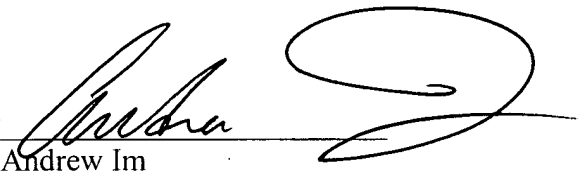
indicate those portions of the references providing the basis for a contrary view.

Applicant's representative agrees with the Examiner's implicit finding that the prior art made of record and not relied upon is not as relevant to the claimed invention as Peckover.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0624, under Order No. NY-JONAS 203.1 US (10103964) from which the undersigned is authorized to draw.

Respectfully submitted,



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